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12 | Attorneys for Defendant,  
YOSEMITE INSURANCE COMPANY

Attorneys for Plaintiff,  
SEATON INSURANCE COMPANY, formerly  
known as Unigard Mutual Insurance Company

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

18 SEATON INSURANCE COMPANY,  
Formerly known as Unigard Mutual Insurance  
19 Company,

Case No. 3:11-CV-00422-RS

20 Plaintiff,

**JOINT STIPULATION AND PROPOSED  
ORDER] TO EXTEND TIME FOR  
DEFENDANT TO FILE A REPLY TO  
PLAINTIFF'S OPPOSITION TO  
MOTION TO DISMISS FOR IMPROPER  
VENUE OR IN THE ALTERNATIVE TO  
TRANSFER VENUE**

vs.

22 YOSEMITE INSURANCE COMPANY, and  
DOES 1 through 50, inclusive,

Courtroom No. 3, 17<sup>th</sup> Floor  
The Honorable Judge Richard Seeborg

23 || Defendants.

Complaint Filed: December 29, 2010  
Trial Date: None Set

## **STIPULATION**

IT IS HEREBY STIPULATED by and between plaintiff SEATON INSURANCE COMPANY ("Plaintiff") on the one hand and defendant YOSEMITE INSURANCE COMPANY ("Defendant") (collectively, "the Parties") on the other, by and through their respective counsel, as follows:

WHEREAS, Plaintiff filed its Complaint in this matter in state court on or about December 29, 2010. Defendant removed the case to this Court on January 28, 2011 and filed a Motion to Dismiss for Improper Venue or in the Alternative Transfer Venue on February 4, 2011. Defendant initially noticed the hearing on the motion for April 7, 2011.

WHEREAS, Plaintiff filed an Amended Complaint on February 24, 2011. Defendant filed its Motion to Dismiss Amended Complaint for Improper Venue or in the Alternative Transfer Venue (“Motion to Dismiss”) on March 10, 2011 and, as a result of scheduling conflicts of counsel for both parties, noticed Defendant’s Motion to Dismiss for hearing on May 12, 2011, at 1:30 p.m.;

WHEREAS, Defendant filed its Opposition to the Motion to Dismiss on April 21, 2011. The Opposition contains information and documents not disclosed in Plaintiff's Amended Complaint, and, as a result of the inclusion of such new information, Defendant requires additional time to prepare its Reply;

ACCORDINGLY, the Parties agree and stipulate as follows:

Defendant respectfully requests that the Court grant it a seven day extension, from April 28, 2011 to May 5, 2011, to file a Reply to Plaintiff's Opposition. If Defendant determines that such a Reply is necessary, the Reply will still be filed a week before the hearing, which is scheduled for May 12, 2011. Plaintiff assents to this request. The Parties do not believe that this extension will affect the schedule for the case and no party will be prejudiced by the extension.

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3 Dated: April 27, 2011

Respectfully submitted,

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6 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.  
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9

/s/ Robert S. Eaton  
10 By: ROBERT STURTEVANT EATON

11 Attorneys for Defendant,  
12 YOSEMITE INSURANCE COMPANY

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19  
20  
21 Dated: April 27, 2011

Respectfully submitted,

22 BUDD LARNER, P.C.

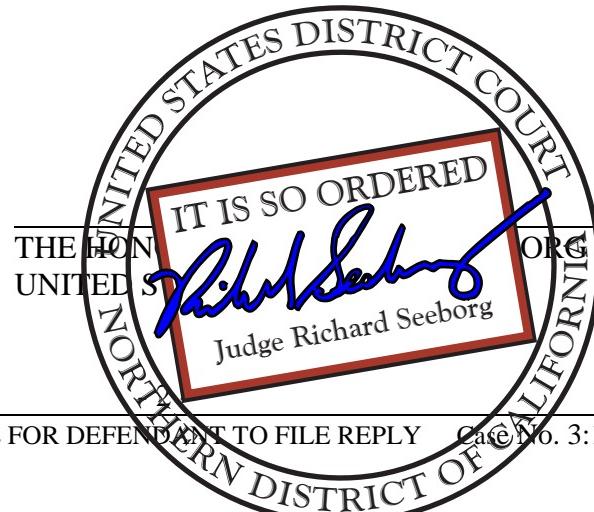
23 /s/ Mark D. Hoerrner  
24 By: MARK D. HOERRNER (admitted *pro hac vice*)

25 Attorneys for Defendant,  
26 SEATON INSURANCE COMPANY

27 Pursuant to the Joint Stipulation submitted by Plaintiff Seaton Insurance Company and  
28 Defendant Yosemite Company, the Defendant is granted an extension of time to file its Reply to  
May 5, 2011.

29 **IT IS SO ORDERED.**

30 Dated: April 27, 2011



1                   **ATTESTATION PURSUANT TO GENERAL ORDER 45**

2                   Concurrence in the filing of this document has been obtained from Mark D. Hoerrner.

3                   Dated: April 27, 2011                   MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.

4                   /s/ Robert Sturtevant Eaton  
5                   By: ROBERT STURTEVANT EATON

6                   Attorneys for Defendant,  
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1                   **CERTIFICATE OF SERVICE**

2                   I, ROBERT STURTEVANT EATON, Esq. hereby certify that this document filed through  
3 the ECF system will be sent electronically to the registered participants as identified on the Notice  
4 of Electronic Filing and paper copies will be sent to those indicated as non-registered participants  
5 on the date of filing.

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7                   \_\_\_\_\_  
8                   /s/ Robert Sturtevant Eaton  
9                   Robert S. Eaton

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